

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROBERT MILTON,

Plaintiff,

-against-

CORRECTION OFFICER REHMAN, et al.,

Defendants.
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No. 19-CV-2770 (VEC) (OTW)

ORDER OF SERVICE

ONA T. WANG, United States Magistrate Judge:

Plaintiff, currently incarcerated at Eastern Correctional Facility, brings this *pro se* action under 42 U.S.C. § 1983, alleging violations of his federal constitutional rights. By order dated May 6, 2019, Judge Caproni granted Plaintiff permission to proceed *in forma pauperis* ("IFP"). (ECF 7). Because Plaintiff is proceeding IFP, he can rely on the Court and the U.S. Marshals Service to effect service. *See Walker v. Schult*, 717 F.3d 119, 123 (2d Cir. 2013); Fed. R. Civ. P. 4(c)(3) (requiring service by Marshals for IFP plaintiffs).

In response to the Court's Valentin Order, ECF 10, on September 13, 2019, the New York State Attorney General's Office identified the John Doe corrections officers and John Doe sergeant involved in the incident alleged by Plaintiff in the complaint. (ECF 22). On January 13, 2020, the Court ordered the New York State Department of Corrections and Community Supervision to permit Plaintiff to view photographs of the officers for the purpose of identifying the remaining Doe officer. (ECF 35). On February 24, 2020, Plaintiff filed a Second Amended Complaint, naming Officer Leon Lowe as the remaining Doe defendant. (ECF 40).

Accordingly, to allow Plaintiff to serve Defendant Lowe through the U.S. Marshals Service, the Clerk of Court is directed to issue a summons as to Defendant Lowe and to prepare the necessary paperwork, including the U.S. Marshals Service Process Receipt and Return form ("USM-285 form"), for Defendant Lowe. The Clerk is further directed to deliver all necessary paperwork to the U.S. Marshals Service for them to effect service upon Defendant Lowe.

Defendant Lowe's address for service is:

Corrections Officer Leon Lowe
Sing Sing Correctional Facility,
354 Hunter Street
Ossining, New York, NY 10562

Under Federal Rule of Civil Procedure 4(m), Plaintiff shall complete service of the summons and complaint within 90 days of the date the summons issues. Plaintiff must ensure timely service or request an extension of time if needed. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (noting that where the plaintiff relies on the Marshals to effect service, it is still the job of the plaintiff to request any extension of service deadlines). The Clerk of Court is respectfully requested to mail a copy of this Order and an information package to Plaintiff.

SO ORDERED.

Dated: March 2, 2020
New York, New York

s/ Ona T. Wang
Ona T. Wang
United States Magistrate Judge